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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,627	09/08/2003	Joon Keun Lee	434/1/004	1539

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EXAMINER	
HOFFMANN, JOHN M	

ART UNIT	PAPER NUMBER
1791	

MAIL DATE	DELIVERY MODE
07/01/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/657,627	LEE ET AL.	
	Examiner	Art Unit	
	John Hoffmann	1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 May 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 3-6* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 3-6* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 3-6 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term “violet ray hardening apparatus” is indefinite as to its meaning. Taken literally, it would be the tesla coil-type device as per the Wikipedia.com and the baar.com website references (see attached PTO-892). However perhaps applicant means the use of a purple (violet) colored laser (ray). Or maybe any purple light. Or maybe an ultraviolet light or an ultraviolet laser/ray. The term "ray" signifies a laser, but examiner can only guess as to whether applicant truly intends to no encompass non-laser violet sources.

Claim Rejections - 35 USC § 103

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1 and 3-6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida 6519404 in view of Askins H1268, Butterworth-Heinemann and Sclater et al and optionally in view of Pereman 5049178.

See the prior Office actions for the manner in which Yoshida, Askins, Butterworth-Heinemann and Sclater were applied. Pereman can also be applied as evidence that it is known in the glass manufacturing art to use two brackets (instead of one) so as to gain independent operation (See Pereman 5049178). Thus, it would have

been obvious to one of ordinary skill in the glass art to provide each wheel on its own bracket for the advantage of permitting individual adjustment.

As to the newly added limitations: Looking to Yoshida, 14 is the diameter measuring device, 15 is deemed to be the cooling apparatus, 18 is the coating apparatus and 20 is the violet ray hardening apparatus. Although Yoshida does not disclose 15 to be a cooling device, since it contains a liquid, it would inherently cool any fiber that was hotter than the liquid. Any temperature and cooling is an intended use, not structure. And device that is capable of cooling reads on the intended use of "cooling".

As indicated in the 1/23/2008 Office action:

When two wheels need to be mounted, and brackets are used, there is only a finite number of solutions: one bracket for both, or one bracket per wheel. It is of ordinary skill and common sense to use two brackets rather than one.

This is undisputed.

Response to Arguments

Applicant's arguments filed 21 May 2008 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Thus applicant's arguments (that point out that Yoshida does not disclose various limitations) are not very relevant. The Office's rejection does not indicate that the Yoshida anticipates every claim limitation.

It is also argued that there is no logical reason to provide separate movement of rollers 4, 5 in two different directions. Examiner disagrees, making things adjustable is generally not a patentable invention. One would have been motivated to make the Yoshida apparatus so that one can adjust the features. For example, Yoshida's figure 1A, shows an arrangement of 13 features: 11, 12, 14, 15, 17, 18, 20, 22, 23, 24, 25, 26 and 27. And each of these items would have three degrees of freedom of movement in relation to each other. That means there are around 13*3 = 39 different positions one must be concerned about. Taking Applicant's position to its ultimate conclusion: one would specify all 39 positions when creating the apparatus - and thus if one were to have an error among the 39, then one would throw away the entire apparatus a start anew. Examiner disagrees. It would have been obvious for one of ordinary skill to create a robust apparatus which permits adjustability of any feature in any direction. Or if one wanted to make another variety of fiber, one would probably be forced to create an entirely new apparatus.

It is also argued that Examiner failed to indicate anywhere in the art where there is a suggestion to separate the prior art bracket into two brackets. No such suggestion is required to come from the prior art. The rejection sets forth why such would have been obvious.

It is argued that Pereman has nothing even remotely to do with the present claimed invention. Examiner disagrees. Applicant is arguing that adjustable brackets are unobvious. Pereman is cited to prove that brackets are well known and provide an advantage of permitting individual adjustment. This is undisputed.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Hoffmann whose telephone number is (571) 272 1191. The examiner can normally be reached on Monday through Friday, 7:00- 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

John Hoffmann
Primary Examiner
Art Unit 1791

Jmh

/John Hoffmann/
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